

REMARKS

In this response, Applicants have amended claim 3, by incorporating claim 4 into claim 3. Claims 1, 2 and 4 have been canceled without prejudice or disclaimer. Claims 5 and 6 were previously withdrawn. Following entry of these amendments, claim 3 is pending in the application.

Reconsideration of claim 3 is respectfully requested in view of the foregoing amendments and the remarks which follow.

Rejection Under 35 U.S.C. § 102

In the Office Action, the USPTO has rejected claims 1 and 2 under 35 U.S.C. §102(b) as being anticipated by JP 11-265725 to Matsubayashi (hereafter “Matsubayashi”). This rejection is moot, as claims 1 and 2 have been canceled.

Rejection Under 35 U.S.C. § 103

Claims 3 and 4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Matsubayashi and further in view of JP 2002-289226 (hereafter “Sawada”). Applicants respectfully traverse this rejection. It is admitted that Matsubayashi does not teach “maintaining the output current for a predetermined time period after the output current has been decreased (increased)” and “increasing (decreasing) the supply amount of the raw material fuel ... when a number of consecutive times the current decreasing (increasing) process has been carried out reaches a predetermined value”. However, the Office Action alleges that claims 3 and 4 would have been obvious to one with ordinary skill in the art to combine Sawada with Matsubayashi. Applicants respectfully traverse this rejection as to claim 3.

Applicants note that Sawada only teaches that: (a) “when the temperature of a reformer is higher than the target temperature (second temperature), a direct current value is made to increase, the quantity of the reformed gas consumed with a fuel cell body can be made to increase”; and, (b) “when the temperature of a reformer is lower than the target temperature (first temperature), a direct current value is decreased, the quantity of the reformed gas consumed with a fuel cell body can be made to decrease.” However, Sawada neither discloses nor teaches at least the following steps: (1) “maintaining the output current for a predetermined time period after the output current has been decreased (increased)”; or

(2) “increasing (decreasing) the supply amount of the raw material fuel ... when a number of consecutive times the current decreasing (increasing) process has been carried out reaches a predetermined value.”

In contrast to Sawada, the claimed invention in claim 3 now includes the steps (1) and (2) set forth above, of maintaining the output current for a predetermined time period after the output current has been decreased (or increased); and increasing (or decreasing) the supply amount of the raw material fuel ... when a. number of consecutive times the current decreasing (or increasing) process has been carried out reaches a predetermined value. As a result of these steps (1) and (2), the claimed system’s output current can be maintained within a certain range and the claimed system can operate stably (see paragraphs 0013, 0095, and 0099 of the specification). These steps (1) and (2) are not disclosed in Matsubayashi and also are not disclosed in Sawada.

Thus, claim 3 is not obvious over the two cited references.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that pending claim 3 is now in condition for allowance. An early notice to this effect is earnestly solicited. If there are any questions regarding the application, the Examiner is invited to contact the undersigned at the number below.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the

Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date February 5, 2010

By Michael D. Kaminski

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5490
Facsimile: (202) 672-5399

Michael D. Kaminski
Attorney for Applicant
Registration No. 32,904